

REMARKS

In view of the fact the present application is based on an English translation of a German Priority Application 202 18 693.8, the incorporation of such application by reference is deleted from paragraph [0001].

The capitalized word "Claim" has been changed to "claim" in each of claims 2-10 to comply with a recommendation by the Patent Office, and not to comply with any statutory requirement for patentability.

Section 102(b) Rejection

Claims 1 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,908,979 (Miyamae). The rejection is respectfully traversed for the following reasons.

It is respectfully submitted that element 19 of Miyamae is not an electromechanical brake as asserted in the Office Action, but rather a motor. Fig. 5 of the Miyamae reference shows arm 5 is driven by motor 19, while arm 4 of Miyamae is driven by motor 17. All references to element 19 in Miyamae are listed below, wherein element 19 is consistently referred to as a motor:

- "...and a second motor 19 capable of rotating reversely and changing speed is installed..." (Column 3, Lines 8-10).
- "...a second motor 19 attached to the bracket 18" (Column 3, Lines 27-28).
- "...a second power transmission route is composed for independently transmitting the torque of the second motor 19 to the basal end of the second arm 5..." (Column 3, Lines 41-44).
- "...the power swivel of the second arm 4 by the second motor 19 is stopped at an arbitrary position..." (Column 4, Lines 20-21).
- "...when the second motor 19 is turned off..." (Column 4, Line 45).

- “...the motors 17, 19, 61 may be AC servo motors capable of rotating the rotors in a specified direction...” (Column 5, Lines 1-2).
- “...first motor 17, second motor 19, third motor 61...” (Column 5, Lines 8-9).
- “...the CPU 70 also serves as control means for driving and controlling the motors 17, 19, 61...” (Column 5, Lines 17-18).
- “...the driving speed of the second motor 19..” (Column 5, Line 35).
- “...driving of the motors 17, 19, 61 by CPU 70...” (Column 6, Lines 21-22).
- “...golf club 7 can be swiveled and rotated by the motors 17, 19, 61, and at the position of specified angle...” (Column 6, Lines 28-30).
- “...the second arm 5 is swiveled and manipulated by the second swivel means (see the second motor 19), so that biaxial control structure is composed. Moreover, the changeover unit 49 stops the power swivel of the second arm 5 by the second swivel means (see the second motor 19) at an arbitrary position, and the second arm 5 is changed over from power swivel to inertial swivel...” (Column 6, Lines 36-43).
- “...by selection of moving speed of the arms 4, 5 by the swivel means (see the motors 17, 19) and on/off switching of the changeover unit 49...” (Column 6, Lines 45-47).
- “...the second swivel means, to the second motor 19, the changeover means, to the changeover unit 19...” (Column 7, Lines 10-11). Please note, the changeover unit has been referred to as *changeover unit 49* in all other occurrences, leading to the conclusion this cite number 19 is a mistake.
- “...the rotary shaft 19a of the second motor 19 may be used...” (Column 7, Lines 43-44).

Additionally, element 19a refers the rotary shaft of motor 19. Please see, for example, column 3, lines 26-28. Consequently, it is Applicant’s respectful position that elements 19 and 19a of Miyamae are a motor and a rotating shaft of the motor, respectively, and are not an electromagnetic brake as asserted at the bottom of page 2 of the Office Action.

It is also noted that Claim 1 requires "...an electromagnetic brake (6) for blocking the pivoting motion of the pivot arm (5) in the rotary bearing (4); and a mechanical brake (7) having adjustable braking force for braking the pivot arm (5) *in the rotary bearing (4)*" (emphasis added). So, claim 1 requires an electromagnetic brake and a mechanical brake both for braking rotation of the same element (pivot arm (5)) in the same bearing (rotary bearing (4)). This claimed structure is shown for instance in Figs. 2-3 of the present application. By contrast, mechanical brake 43 and 44 of Miyamae, as shown in Fig. 5 of the reference, stops rotation of arm 5 relative to arm 4, and does not cause the braking of rotation of arm 4 in rotary bearing 20 on column 2. The mechanical brake 43 and 44 is located distally relative to the rotary bearing 20 on column 2, and thus does not meet the language of claim 1. Moreover, there is no teaching in Miyamae of an electromagnetic brake arranged to brake pivotal motion of arm 4 in rotary bearing 20. So, Miyamae fails to teach or suggest the limitations of claim 1 quoted above.

Finally, it is respectfully submitted that the Miyamae references teaches away from the provision of both an electromagnetic brake and a mechanical brake for braking pivotal motion of the same element, as expressed in claim 1. The Miyamae reference states "[i]nstead of the mechanical brake means by the cam 43 and roller 44, an electromagnetic brake for braking the rotary shaft 19a of the second motor 19 may be used, and instead of the on/off means of the power transmission to the second arm 5 through the ratchet 50, pawl 54, and solenoid 56, an electromagnetic clutch for controlling transmission and non-transmission of the power of the timing pulley may be employed." (Column 7, Lines 42-50). Therefore, Miyamae suggests using one type of brake or the other, and offers no means to compensate for drift.

For the reasons above, it is respectfully asked that the rejection of claims 1 and 9-10 under Section 102(b) be withdrawn.

Allowable Subject Matter

The indication of allowable subject matter in claims 2-8 is acknowledged with thanks. In view of Applicant's contention that claim 1 is allowable, dependent claim 2 has not been rewritten in independent form at this stage.

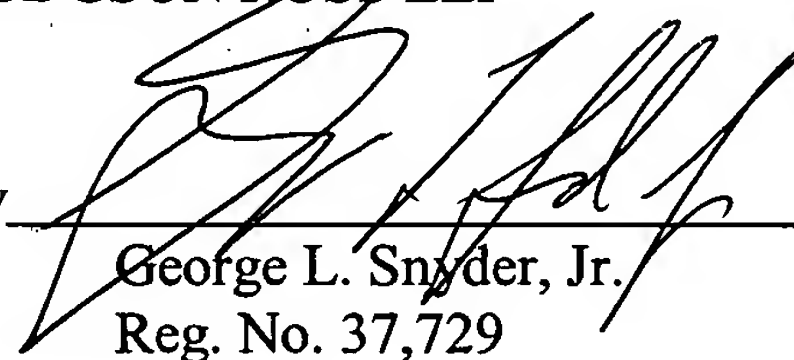
Conclusion

The present response strives to address all issues and to place the present application in a condition for allowance, and a Notice of Allowance is kindly sought. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By



George L. Snyder, Jr.
Reg. No. 37,729

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATED: October 6, 2004